BLOODY STICK NOW IN POSSESSION OF FRANK'S ATTORNEYS

Was Found on May 10 by Two Pinkerton Detectives on the First Floor of the Pencil Factory

DEFENSE TO CLAIM NEGRO WIELDED THE INSTRUMENT

It Was Sent to Chemist Outside of State for Examination—Subpenas Issued for State's Witness

In the possession of the defense of Leo M. Frank is a bloody bludgeon with which it will be claimed at the trial, in all probability, that James Conley, the negro sweeper, struck Mary Phagan over the head while she battled on the first floor of the National Pencil factory for her life.

While it has been known for weeks that the defense of Frank will try to pit the crime on the negro, the claim that any weapon other than the negro's hands and the cords placed about her neck, were used, is an absolutely new development to the public, although the bloody stick, about an inch in diameter, has been in the possession of the defense since May 10.

It is said that it was found in the factory on that date by two Pinkerton operatives, L. P. Whitfield and W. D. McWorth, who at that time were conducting a systematic search of the factory.

According to the story, which has come to The Journal on excellent authority, on May 9, after city detectives, factory employees, various private sleuths and quite a few curiosity seekers had searched for nearly two weeks without finding any new clues to throw light on the tragedy. Whitefield and McWorth, two of the Pinkerton operatives, who are on the "silent force" never appearing before the public, went to the factory for a new examination of the big building, which was the scene of Atlanta's most sensational tragedy.

They started on the second floor, where the state maintains that Mary Phagan met her death, and spent the entire day going over that floor.

By the next day, May 10, the detectives had reached the third floor of the building. They went back by the boxes upon which Conley says he sat while waiting for instructions from the factory superintendent. Some ten or fifteen feet past the boxes and considerably past the elevator shaft, by a door, and on top of some trash, the Pinkerton men found the bloody bludgeon, right by the spot where the part of a pay envelope with the name Mary Phagan written upon it lay.

EXAMINED BY CHEMIST.

Evidently the defense of Frank considers the find of the two sleuths as important, for the story of the stick has been zealously guarded from the public. In addition, presumably to make certain that the fact of the existence of the stick would not reach the public, it was sent out of the state to a famous chemist, who made an analysis to determine whether or not the blood on the primitive weapon was that of a human or an animal. The examination is said to have shown it to be the former.

That Mary Phagan was knocked in the head as well as choked and her body thrown or carried down the elevator shaft on the fatal Saturday is believed to be the theory of the defense.

SUBPOENAS ISSUED.

An indication that the state thinks the trial of Leo M. Frank, charged by a grand jury indictment with the murder of Mary Phagan on April 26, will actually come to trial on next Monday is the fact that already the majority of the state's witnesses have been subpenaed.

While Solicitor Hugh M. Dorsey and the attaches of his office, who are serving the subpoenaes, refused to divulge the names of the witnesses or their exact number, it is said that about seventy-five witnesses, many of whom may not be used, will be called to the trial.

It is known that the defense has approximately 100 witnesses, many of whom will testify simply to the good character of the

defendant in event the defense decides to put his character in issue. As counsel for the defense refuses to divulge any information relative to its plans for the trial. It is not known whether or not subpoenaes on the Frank witnesses have yet been served.

The reason for serving the witnesses a week before the date set for the trial is that after they have once been served they will be in contempt of court in event they fail to appear in the court room when the case is called.

Although there is a strong probability of a postponement of the case, court attaches are going ahead with preparations to hold the trial Monday in the court room on the first floor of the old city hall building.

FANS INSTALLED.

Deputy Sheriff Plennie Minor, who will be in charge of the court room during the trial of the case, has already offered a dozen electric fans, which will be installed in the court room.

Like all trials the hearing of the Frank case will be public, but Deputy Sheriff Minor states that when all of the seats in the court room have been occupied the doors will be quickly closed in order that the comfort of the judge, jury and attorneys will not be jeopardized by an overcrowded room.

Judge L. S. Roan, who will preside at the Frank trial, is holding court this week in Covington, so the drawing of the venire from which the twelve jurors to try Frank will be chosen, will fall to Judge T. Pendleton, of the superior court.

The venire will be drawn in open court on next Thursday and it will precipitate another pre-trial clash between Solicitor Dorsey and Frank A. Hooper for the state, and Attorneys Luther Z. Rosser and Reuben R. Arnold for the defense.

The defense will ask that the veniremen be drawn from the grand jury box, and this move will be bitterly opposed by the solicitor

general. The prosecuting official will ask that the venire, which will consist of 150 men, be drawn from the regular petit jury list.

The solicitor general is certain to take a strong stand against any postponement of the trial.